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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,879	12/11/2003	Scott Broussard	AUS920030903US1(4025)	1578
45557	7590	10/24/2006	EXAMINER	
IBM CORPORATION (JSS) C/O SCHUBERT OSTERRIEDER & NICKELSON PLLC 6013 CANNON MOUNTAIN DRIVE, S14 AUSTIN, TX 78749				IQBAL, KHAWAR
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/733,879	BROUSSARD ET AL.	
	Examiner Khawar Iqbal	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 September 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being unpatentable by Sheha et al (20030036848).

3. Regarding claim 1 Sheha et al teaches a computer-implemented method for requesting rating information related to a particular location, the method comprising (fig. 1, para. # 0062):

determining a current location of a user via a position-determining device (para. # 0063);

interacting with the user to determine the particular location (one or more point of interests) based upon the current location (the system determines its current location 300 from various forms of possible position information 301), in response to an inquiry from the user at the current location about the rating information about points of interest that are within a specified geographic proximity of the particular location that is different (neighboring city-town, zones, see para. # 0065) then the user's current location, and wherein the interacting comprises receiving differential information indicative of a

distance between the current location and the particular location different from the user (para. # 0013, 0020,0063-0067, 0076);

transmitting by the wireless device an indication of the particular location to a wireless network to request the rating information, wherein the rating information comprises ratings for one or more point of interest within a specified geographical proximity of the particular different location (para. # 0020,0065-0067, 0072,0076); and

displaying by the wireless device, upon receipt of the rating information from the wireless network, at least part of the rating information to the user (para. # 0065-0067, 0072-0076).

Regarding claim 2 Sheha et al teaches further comprising determining a compass direction between the current location and the particular location (para. # 0074,0076).

Regarding claim 3 Sheha et al teaches wherein the differential information indicating a distance comprises an indication of a travel time from the current location (para. # 0074,0076).

Regarding claim 4 Sheha et al teaches wherein the differential information further comprises an indication of the compass direction between the current location and the particular location (para. # 0074,0076).

Regarding claim 5 Sheha et al teaches determining the particular location based on the current location and the differential information (para. # 0074,0076); and transmitting the particular location to the wireless network (para. # 0074,0076, see above).

Regarding claim 6 Sheha et al teaches wherein transmitting the particular location to the wireless network comprises transmitting the current location and the differential information to the wireless network (para. # 0062, see above).

Regarding claim 7 Sheha et al teaches wherein the rating information comprises information relating to a point of interest located near the particular location (para. # 00 65-0067, 0072-0077).

Regarding claim 8 Sheha et al teaches wherein the rating information comprises information relating to a plurality of points of interest related to the particular location (para. # 00 65-0067, 0072-0077).

Regarding claim 9 Sheha et al teaches wherein the rating information comprises user ratings for one or more points of interest related to the particular location (para. # 00 65-0067, 0072-0077).

Regarding claim 10 Sheha et al teaches an apparatus for requesting rating information related to a particular location, the apparatus comprising:

a position determining device for determining a current location (para. # 00 65-0067, 0072-0077);

a compass, wherein the compass indicates directional information between the current location and the particular location, the particular location being different than the current location (para. # 0020,0065-0067, 0072-0077);

a user interface for receiving input from a user located at the current location, wherein the user input comprises differential information indicating a distance between

the current location and the particular, different location (para. # 0065-0067, 0072-0077);

a transmitter for transmitting an indication the particular location to a wireless network to request rating information related to one or more points of interest within a specified geographical proximity of the particular, different location (para. # 0020,0065-0067, 0072-0077);

a receiver for receiving from a wireless network rating information related to one or more points of interest within a specified geographical proximity of the particular location; and a display device to display the rating information to the user (para. # 0020,0065-0067, 0072-0077).

Regarding claim 11 Sheha et al teaches further comprising a processor for determining the particular location based on the current location, directional information and the differential information (para. # 00 65-0067, 0072-0077).

Regarding claim 12 Sheha et al teaches wherein transmitter couples with the processor to transmit the particular location as part of the request for rating information (para. # 00 65-0067, 0072-0077).

Regarding claim 13 Sheha et al teaches wherein the transmitter is configured to transmit the particular location as part of the request for rating information (para. # 00 65-0067, 0072-0077).

Regarding claim 14 Sheha et al teaches wherein the transmitter is configured to transmit the current location, directional information and differential information as part of the request for rating information (para. # 00 65-0067, 0072-0077).

Regarding claim 15 Sheha et al teaches wherein the position-determining device is a global positioning system receiver (para. # 00 65-0067, 0072-0077).

Regarding claim 16 Sheha et al teaches wherein the compass is a digital compass (para. # 00 65-0067, 0072-0077).

Regarding claim 17 Sheha et al teaches wherein the rating information comprises user ratings of one or more points of interest proximate to the second location (para. # 00 65-0067, 0072-0077).

Regarding claim 18 Sheha et al teaches wherein the directional information comprises a compass direction between the current location and the particular location (para. # 00 65-0067, 0072-0077).

Regarding claim 19 Sheha et al teaches a machine-accessible medium containing instructions, which when executed by a machine, cause said machine to perform operations, comprising:

determining a current location of a user via a position-determining device (para. # 00 65-0067, 0072-0077);

interacting with the user to determine the particular location based upon the current location in response to an inquiry from the user at the current location about receiving rating information about points of interest that are within a specified geographic proximity of the particular location that is different than the user's current location, and wherein further the interacting comprises receiving differential information indicative of a distance between the current location and the particular location from the user (para. # 0020,0065-0067, 0072-0077);

transmitting the particular location to a wireless network to request the rating information, wherein the rating information comprises ratings for one or more points of interest within a specified geographical proximity of the particular different location (para. # 0020,0065-0067, 0072-0077); and

displaying, upon receipt of the rating information from the wireless network, at least part of the rating information to the user (para. # 00 65-0067, 0072-0077).

Regarding claim 20 Sheha et al teaches further comprising determining directional information between the current location and the particular location (para. # 00 65-0067, 0072-0077).

Regarding claim 21 Sheha et al teaches wherein the rating information comprises user ratings for one or more points of interest proximate to the particular location (para. # 00 65-0067, 0072-0077).

Regarding claim 22 Sheha et al teaches a method for providing rating information using a wireless network, the method comprising:

receiving by a wireless device a request from a user located at a current location for rating information related to a particular location, wherein the particular location is different than the current location and wherein further the request comprises an indication of the current location (para. # 00 65-0067, 0072-0077);

receiving by the wireless device differential information from the user, the differential information describing an indication of the distance and direction of the particular location relative to the current location (para. # 00 65-0067, 0072-0077); determining by the wireless device the particular location based upon the differential

information and the indication of the current location(para. # 0020,0065-0067, 0072-0077);

retrieving by the wireless device the rating information related to the particular location the rating information comprising ratings for one or more points of interest within a specified geographical proximity of the particular, different location based upon the differential information and the indication of the current location (para. # 0020,0065-0067, 0072-0077); and

transmitting to the user the rating information related to the particular location (para. # 0065-0067, 0072-0077).

Regarding claim 23 Sheha et al teaches wherein the rating information comprises ratings relating to a plurality of points of interest associated with the particular location (para. # 00 65-0067, 0072-0077).

Regarding claim 24 Sheha et al teaches wherein the rating information comprises user ratings relating to a plurality of points of interest associated with the particular location (para. # 00 65-0067, 0072-0077).

Regarding claim 25 Sheha et al teaches wherein receiving the request comprises receiving the request from the user via a wireless network, and wherein transmitting to the user comprises transmitting the rating information to the user via a wireless network (para. # 00 65-0067, 0072-0077).

Regarding claim 26 Sheha et al teaches wherein the differential information comprises an indication of the distance between the current location and the particular location (para. # 00 65-0067, 0072-0077).

Response to Arguments

Applicant's arguments filed 10-17-06 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations. Regarding claim 1, the applicant argues on page 10 that "Sheha does not disclose or suggest interacting with the user by a wireless device to determine the particular location based on the current location". Examiner respectfully disagrees with this argument. In page 6, paragraph 0065, Sheha discloses that a wireless device makes search for neighboring city-town as well as user-described zones [i.e., the claimed 'particular location'], which is based on user's current location.

The applicant further argues "Sheha also fails to disclose or suggest providing rating information for POIs within a specified geographical proximity of the particular, different location instead of rating information based on the user's current location". Examiner respectfully disagrees with this argument. In page 2, paragraph 0013, page 6, paragraph 0065, Sheha discloses that the system is displaying [i.e., providing] highest rating [i.e., the claimed 'rating information'] within a specified geographical proximity of the particular, different location instead of rating information based on the user's current location.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER